

EDOLPHUS "ED" TOWNS
MEMBER OF CONGRESS
10TH DISTRICT, NEW YORK

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TRADE

Congress of the United States
House of Representatives
Washington, DC 20515-3210

WASHINGTON OFFICE:
SUITE 2232
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3210
(202) 225-5936

BROOKLYN OFFICES:
186 JORALEMON STREET,
SUITE 1102
BROOKLYN, NY 11201
(718) 855-8018

10408 FLATLANDS AVENUE,
BROOKLYN, NY 11236
(718) 272-1175

January 25, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Universal Service Fund

Dear Chairman Genachowski:

I am writing to urge the Commission to make the payphone eligible for support from the Universal Service Fund (USF) to assure New Yorkers and fellow Americans the availability of reliable public pay telephone service.

On 9/11 in Manhattan, there were lines of people around the block calling loved ones to let them know that they were okay or just to find out information from an operator, E911 connecting them to Fire, Police, EMS and other first responders. Even NYC's emergency personnel were using the public payphone network to communicate with other emergency services. We all remember the time in August 2003 during the major "Blackout" along the east coast people in New York could only communicate through the Public Telephone network because their cell batters died and towers did not have power or were overloaded. In homes the cordless phones and fiber systems were all without power.

These "Blackout" and "Brownouts" occur every year in New York City (NYC) and throughout the state. FEMA was in upstate New York when over one million fellow New Yorkers were without food, power or cell phone service for over two weeks. The only things working were flash lights and payphones during Hurricane Irene. There were more outages during the earthquake in the summer of 2011.

In times of national disaster or other security situations Public Payphones play an important role for emergency communications. Today, NYC has 50 million visitors annually and many need and use the Public Pay Telephone network. This year the city was planning to remove thousands of fire alarm call boxes from all the streets. NYC, like the rest of our great State, cannot afford to lose the Public Payphone industry. Today, NYC is on elevated "Terror Alert" making Payphones an important link to our telecommunications network; a link that is more

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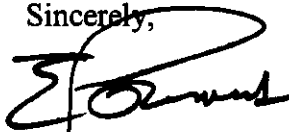
valuable if we can rely on its widespread availability. Public Pay Telephones are vital to public health and safety to NYC and Domestic Security.

As a public official, I have seen firsthand the need for a reliable system of publicly available wireline phones that we can depend on as a nation. While the majority of New Yorkers have wireless phones, as we have seen time and time again, wireless service is not flawless. Cell phones are often inoperable during these periods when we need them most, sending their customers to payphones in order to connect to the telecommunications network. Despite the proliferation of cell phones the need remains for Americans to know that no matter what situation occurs they have relatively widespread access to the communications network when outside of their homes or businesses.

Without support from the USF subsidy and at the rate at which the number of payphones is declining, in several years a person will not be able to find a payphone to use in an emergency situation. With the planned removal of the fire call boxes in NYC there will be no way for a person to call for help next time there is a blackout, a hurricane, or a fire. Immediate relief is needed to maintain payphone service and prevent the removals now before it's too late.

Thank you for your consideration of USF support for Public Pay Telephone service.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Towns', with a large, sweeping initial 'E'.

Edolphus "Ed" Towns
Member of Congress

Cc:

The Honorable Mignon Clyburn, Commissioner
The Honorable Robert McDowell, Commissioner



FEDERAL COMMUNICATIONS COMMISSION

April 25, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Edolphus Towns
U.S. House of Representatives
2232 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Towns:

Thank you for your letter urging the Commission to make payphone service eligible for support from the Universal Service Fund (USF). I will ensure that your letter is included in the record of the Commission's USF reform proceedings.

On December 6, 2010, the American Public Communications Council (APCC) filed a Petition for Rulemaking and an Emergency Petition for Interim Relief requesting that the Commission make payphone service eligible for Lifeline USF support. After careful consideration, the Commission unanimously denied the APCC petitions in its January *Lifeline Reform Order*. The Commission questioned whether the requested relief was consistent with Section 254 of the Communications Act and reaffirmed its longstanding policy that Lifeline is intended to benefit low-income consumers, not service providers. It also noted that the declining demand for payphone service acknowledged by APCC in its petitions conflicted with the requirement in Section 254 that the Commission define services eligible for USF support as those that "have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers."

I appreciate your concern about the availability of reliable communications during periods of emergency, and the important role that the public payphone system has played in times of crisis. As the use of public payphones declines, the Commission continues its work to ensure that the public and first responders have the communications systems that they need. Although the Commission denied the petitions to make payphone service eligible for Lifeline support, this support is available for eligible low-income consumers for both wireline and wireless service. Commission staff also conducts ongoing outreach with industry and first responders, seeking solutions and industry best practices on public safety issues that you highlight, including loss or overload of wireless networks. The Commission issued a *Notice of Inquiry* in April 2011 on a range of issues to ensure the reliability and resiliency of the Nation's communications networks. This proceeding has received substantial public participation.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "Julius Genachowski", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Julius Genachowski